

STATE OF TENNESSEE

OFFICE OF THE
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April 12, 2010

Opinion No. 10-48

Extent of Municipal Police Authority Beyond Municipal Limits

QUESTIONS

1. Are municipal police officers authorized to execute arrest warrants inside the corporate limits of another municipality?
2. If the answer to question 1 is yes, may those officers use deadly force?
3. If municipalities agree to notify each other before sending in officers for law enforcement purposes, are officers where the warrant is to be served required to be present at the arrest and must they be given ample notice?

OPINIONS

1. Municipal police officers are authorized to execute arrest warrants anywhere within their county, including inside the corporate limits of another municipality, pursuant to Tenn. Code Ann. §§ 6-54-302 & 40-6-210.
2. Municipal police officers executing arrest warrants within their county are authorized to use deadly force as permitted by Tenn. Code Ann. §§ 39-11-620 & 40-7-108.
3. The Code does not require notification to or assistance from a municipality in order for law enforcement officers from another municipality to execute an arrest warrant within the first municipality's corporate limits. Pursuant to Tenn. Code Ann. §§ 6-54-307(a) & 12-9-104 municipalities may enter into mutual aid agreements whereby they agree to notify and/or assist each other serve arrest warrants. Those agreements would define the amount of notice and/or assistance expected.

ANALYSIS

Arrest warrants can only be executed by "an officer authorized by law." Tenn. R. Crim. P. 4(a). The Code authorizes municipal police officers to execute municipal arrest warrants and state felony and misdemeanor arrest warrants anywhere within their county. Tenn. Code Ann. §§

6-54-302 & 40-6-210; Op. Tenn. Atty. Gen. No. 98-153 (August 17, 1998). There is no statutory authority permitting municipal police officers to execute arrest warrants outside of their county. *See* Op. Tenn. Atty. Gen. No. U90-165 (November 14, 1990)(constable may not serve papers outside the boundary of his own county); Op. Tenn. Atty. Gen. No. 79-461 (November 1, 1979) (law enforcement officer of one county has no authority to serve a subpoena on witness in a different county).

Tenn. Code Ann. §§ 39-11-620 & 40-7-108 govern the use of deadly force by law enforcement officers. Municipal police officers executing arrest warrants within their county are authorized to use deadly force as permitted by these statutes.

The Code does not require notification to or assistance from a municipality in order for law enforcement officers from another municipality to execute an arrest warrant within the first municipality's corporate limits. Pursuant to Tenn. Code Ann. §§ 6-54-307(a) & 12-9-104 municipalities may enter into mutual aid agreements whereby they agree to notify and/or assist each other serve arrest warrants. Those agreements would define the amount of notice and/or assistance expected.

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